

AMENDED IN ASSEMBLY AUGUST 17, 2015

AMENDED IN ASSEMBLY JULY 16, 2015

AMENDED IN ASSEMBLY JULY 2, 2015

AMENDED IN SENATE APRIL 14, 2015

**SENATE BILL**

**No. 361**

**Introduced by Senator Hill**  
**(Coauthor: Senator Nielsen)**

(Coauthors: Assembly Members Rodriguez and Waldron)

February 24, 2015

---

An act to amend Section 4846.5 of the Business and Professions Code, and to add Section 1275.4 to the Health and Safety Code, relating to public health, and declaring the urgency thereof, to take effect immediately.

LEGISLATIVE COUNSEL'S DIGEST

SB 361, as amended, Hill. Antimicrobial stewardship: education and policies.

Under the Veterinary Medical Practice Act, the Veterinary Medical Board licenses veterinarians and regulates the practice of veterinary medicine. The act requires an applicant for a renewal license to complete 36 hours of continuing education in the preceding 2 years.

This bill would require a veterinarian who renews his or her license on or after January 1, 2018, to complete a minimum of one ~~unit~~ *credit hour* of continuing education on the judicious use of medically important antimicrobial drugs, as defined, every 4 years as part of the continuing education requirement.

Existing law provides for the licensure and regulation of skilled nursing facilities by the State Department of Public Health. Under

existing law, a violation of the provisions governing skilled nursing facilities constitutes a crime. Existing law also establishes the Hospital Infectious Disease Control Program, which requires the department and general acute care hospitals to implement various measures relating to the prevention of health care associated infection. The program requires, by July 1, 2015, that each general acute care hospital adopt and implement an antimicrobial stewardship policy, in accordance with guidelines established by the federal government and professional organizations, that includes a process to evaluate the judicious use of antibiotics, as specified.

This bill would require all skilled nursing facilities, as defined, by no later than January 1, 2017, to adopt and implement an antimicrobial stewardship policy. The bill would also require each skilled nursing facility, within 3 months of the establishment of antimicrobial stewardship guidelines by the federal Centers for Disease Control and ~~Prevention~~ *Prevention, the federal Centers for Medicare and Medicaid Services*, or specified professional organizations, to amend its policy to be consistent with those antimicrobial stewardship guidelines.

By expanding the scope of an existing crime, this bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

This bill would declare that it is to take effect immediately as an urgency statute.

Vote:  $\frac{2}{3}$ . Appropriation: no. Fiscal committee: yes.  
State-mandated local program: yes.

*The people of the State of California do enact as follows:*

- 1 SECTION 1. Section 4846.5 of the Business and Professions
- 2 Code is amended to read:
- 3 4846.5. (a) Except as provided in this section, the board shall
- 4 issue renewal licenses only to those applicants that have completed
- 5 a minimum of 36 hours of continuing education in the preceding
- 6 two years.

(b) (1) Notwithstanding any other law, continuing education hours shall be earned by attending courses relevant to veterinary medicine and sponsored or cosponsored by any of the following:

(A) American Veterinary Medical Association (AVMA) accredited veterinary medical colleges.

(B) Accredited colleges or universities offering programs relevant to veterinary medicine.

(C) The American Veterinary Medical Association.

(D) American Veterinary Medical Association recognized specialty or affiliated allied groups.

(E) American Veterinary Medical Association's affiliated state veterinary medical associations.

(F) Nonprofit annual conferences established in conjunction with state veterinary medical associations.

(G) Educational organizations affiliated with the American Veterinary Medical Association or its state affiliated veterinary medical associations.

(H) Local veterinary medical associations affiliated with the California Veterinary Medical Association.

(I) Federal, state, or local government agencies.

(J) Providers accredited by the Accreditation Council for Continuing Medical Education (ACCME) or approved by the American Medical Association (AMA), providers recognized by the American Dental Association Continuing Education Recognition Program (ADA CERP), and AMA or ADA affiliated state, local, and specialty organizations.

(2) Continuing education credits shall be granted to those veterinarians taking self-study courses, which may include, but are not limited to, reading journals, viewing video recordings, or listening to audio recordings. The taking of these courses shall be limited to no more than six hours biennially.

(3) The board may approve other continuing veterinary medical education providers not specified in paragraph (1).

(A) The board has the authority to recognize national continuing education approval bodies for the purpose of approving continuing education providers not specified in paragraph (1).

(B) Applicants seeking continuing education provider approval shall have the option of applying to the board or to a board-recognized national approval body.

(4) For good cause, the board may adopt an order specifying, on a prospective basis, that a provider of continuing veterinary medical education authorized pursuant to paragraph (1) or (3) is no longer an acceptable provider.

(5) Continuing education hours earned by attending courses sponsored or cosponsored by those entities listed in paragraph (1) between January 1, 2000, and January 1, 2001, shall be credited toward a veterinarian's continuing education requirement under this section.

(c) Every person renewing his or her license issued pursuant to Section 4846.4, or any person applying for relicensure or for reinstatement of his or her license to active status, shall submit proof of compliance with this section to the board certifying that he or she is in compliance with this section. Any false statement submitted pursuant to this section shall be a violation subject to Section 4831.

(d) This section shall not apply to a veterinarian's first license renewal. This section shall apply only to second and subsequent license renewals granted on or after January 1, 2002.

(e) The board shall have the right to audit the records of all applicants to verify the completion of the continuing education requirement. Applicants shall maintain records of completion of required continuing education coursework for a period of four years and shall make these records available to the board for auditing purposes upon request. If the board, during this audit, questions whether any course reported by the veterinarian satisfies the continuing education requirement, the veterinarian shall provide information to the board concerning the content of the course; the name of its sponsor and cosponsor, if any; and specify the specific curricula that was of benefit to the veterinarian.

(f) A veterinarian desiring an inactive license or to restore an inactive license under Section 701 shall submit an application on a form provided by the board. In order to restore an inactive license to active status, the veterinarian shall have completed a minimum of 36 hours of continuing education within the last two years preceding application. The inactive license status of a veterinarian shall not deprive the board of its authority to institute or continue a disciplinary action against a licensee.

(g) Knowing misrepresentation of compliance with this article by a veterinarian constitutes unprofessional conduct and grounds

1 for disciplinary action or for the issuance of a citation and the  
2 imposition of a civil penalty pursuant to Section 4883.

3 (h) The board, in its discretion, may exempt from the continuing  
4 education requirement any veterinarian who for reasons of health,  
5 military service, or undue hardship cannot meet those requirements.  
6 Applications for waivers shall be submitted on a form provided  
7 by the board.

8 (i) The administration of this section may be funded through  
9 professional license and continuing education provider fees. The  
10 fees related to the administration of this section shall not exceed  
11 the costs of administering the corresponding provisions of this  
12 section.

13 (j) For those continuing education providers not listed in  
14 paragraph (1) of subdivision (b), the board or its recognized  
15 national approval agent shall establish criteria by which a provider  
16 of continuing education shall be approved. The board shall initially  
17 review and approve these criteria and may review the criteria as  
18 needed. The board or its recognized agent shall monitor, maintain,  
19 and manage related records and data. The board may impose an  
20 application fee, not to exceed two hundred dollars (\$200)  
21 biennially, for continuing education providers not listed in  
22 paragraph (1) of subdivision (b).

23 (k) (1) On or after January 1, 2018, a licensed veterinarian who  
24 renews his or her license shall complete a minimum of ~~one-unit~~  
25 *credit hour* of continuing education on the judicious use of  
26 medically important antimicrobial drugs every four years as part  
27 of his or her continuing education requirements.

28 (2) For purposes of this subdivision, “medically important  
29 antimicrobial drug” means an antimicrobial drug listed in Appendix  
30 A of the federal Food and Drug Administration’s Guidance for  
31 Industry #152, including critically important, highly important,  
32 and important antimicrobial drugs, as that appendix may be  
33 amended.

34 SEC. 2. Section 1275.4 is added to the Health and Safety Code,  
35 to read:

36 1275.4. (a) (1) On or before January 1, 2017, each skilled  
37 nursing facility, as defined in subdivision (c) of Section 1250, shall  
38 adopt and implement an antimicrobial stewardship policy.

39 (2) Within three months of the establishment of antimicrobial  
40 stewardship guidelines specific to skilled nursing facilities by the

1 federal Centers for Disease Control and Prevention, *the federal*  
2 *Centers for Medicare and Medicaid Services*, the Society for  
3 Healthcare Epidemiology of America, or similar recognized  
4 professional organizations, each skilled nursing facility shall amend  
5 its antimicrobial stewardship policy to be consistent with those  
6 newly established antimicrobial stewardship guidelines.

7 (b) All skilled nursing facilities, as defined in subdivision (c)  
8 of Section 1250, shall comply with this section. Failure to comply  
9 with the requirements of this section may subject the facility to  
10 the enforcement actions set forth in Section 1423.

11 SEC. 3. No reimbursement is required by this act pursuant to  
12 Section 6 of Article XIII B of the California Constitution because  
13 the only costs that may be incurred by a local agency or school  
14 district will be incurred because this act creates a new crime or  
15 infraction, eliminates a crime or infraction, or changes the penalty  
16 for a crime or infraction, within the meaning of Section 17556 of  
17 the Government Code, or changes the definition of a crime within  
18 the meaning of Section 6 of Article XIII B of the California  
19 Constitution.

20 SEC. 4. This act is an urgency statute necessary for the  
21 immediate preservation of the public peace, health, or safety within  
22 the meaning of Article IV of the Constitution and shall go into  
23 immediate effect. The facts constituting the necessity are:

24 In order to protect Californians from the burden and threats posed  
25 by the national security priority of antimicrobial-resistant  
26 infections, it is necessary that this act take effect immediately.